

FILE COPY.

Supreme Court of the United States.

OCTOBER TERM, 1905.

No. 199.

ANTONIO JOSÉ AMADEO, FOR THE USE
OF AND TOGETHER WITH THE PASTOR
MARQUEZ COMPANY, IN LIQUIDATION,
Plaintiffs in Error,

vs.

THE NORTHERN ASSURANCE COMPANY.

Office Supreme Court U. S.
FILED

APR 23 1906

JAMES H. McCONNELL,
Clerk.

No. 200.

ANTONIO JOSÉ AMADEO, FOR THE USE
OF AND TOGETHER WITH THE PASTOR
MARQUEZ COMPANY, IN LIQUIDATION,
Plaintiffs in Error,

vs.

THE ROYAL INSURANCE COMPANY.

No. 201.

FEDERICO AMADEO, FOR THE USE OF AND
JOINTLY WITH THE PASTOR MARQUEZ
COMPANY, IN LIQUIDATION,
Plaintiffs in Error,

vs.

THE ROYAL INSURANCE COMPANY.

IN ERROR TO THE DISTRICT COURT OF THE
UNITED STATES FOR THE DISTRICT OF
PORTO RICO.

**MOTION FOR IMMEDIATE ISSUE OF MAN-
DATE.**

Comes now Fritz v. Briesen, counsel for the
plaintiffs in error, and moves the Court for leave to

issue the mandates in the above entitled cases immediately in order that the same may be filed in the office of the Clerk of the United States District Court for the District of Porto Rico before the beginning of the May Term of that Court, so that the new trials, ordered in these cases, may not be delayed until the January Term of that Court.

Affidavit in Support of Motion.

STATE OF NEW YORK, }
County of New York, } ss.:

FRITZ v. BRIESEN, being duly sworn, deposes and says:

I am of counsel for the plaintiffs in error in *Amadeo et al. vs. Northern Assurance Company*, No. 199, *Amadeo et al. vs. Royal Insurance Company*, No. 200, and *Amadeo et al. vs. Royal Insurance Company*, No. 201, all of the October Term, 1905. On April 2, 1906, this Court, as I am informed and believe, rendered a judgment in each of these cases, ordering that a new trial be granted.

Under Rule 39 of this Court, the mandates cannot be issued by the Clerk, unless otherwise ordered by the Court, until Wednesday, May 2, 1906. As the mail for Porto Rico leaves New York generally on Saturday, and arrives in Ponce about a week later, the mandates would in all probability not reach Ponce until Saturday, May 12, 1906, or even later, too late to be placed upon the calendar for the May Term of the United States District Court for Porto Rico, sitting at Ponce, beginning on May 14, 1906 (see Rule 1, U. S. District Court for Porto Rico). The cases could not then be reached for trial until the January Term of that Court. I am informed and believe that it is often difficult to obtain juries in Ponce necessary to try all the cases upon the calendar so that these three cases may not all be tried even at the January Term, and one or more of them may not be reached until the May Term of 1907.

In order to prevent this unnecessary delay, the more serious as the causes of action arose in 1885, over twenty years ago, this motion for an immediate issue of the mandate is made.

No harm can come to the defendants in error by the granting of the motion, in so far as I know. The motion is made in good faith.

FRITZ V. BRIESEN.

Subscribed and sworn to }
before me this 20th day }
of April, 1906.

EUGENE EBLE,
Notary Public.

Notice of Motion.

To FREDERICK D. MCKENNEY, Esq., Counsel for Defendants in Error:

Please take notice, that on Monday, the 23d day of April, 1906, at the opening of the Court, or as soon thereafter as counsel can be heard, the motion, of which the foregoing is a copy, will be submitted to the Supreme Court of the United States for the decision of the Court thereon.

Annexed hereto is a copy of an affidavit of Fritz v. Briesen to be submitted with said motion in support thereof.

FRITZ V. BRIESEN,
Counsel for Plaintiffs in Error.

April 20, 1906.